

# **TIVERTON TOWN COUNCIL AGENDA**

**Tiverton Town Hall**

**343 Highland Road**

**Tiverton, Rhode Island 02878**

## **AMENDED AGENDA**

**Regular Meeting: Monday, May 13, 2013 at 7:00 p.m.**

**NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.**

**DATE POSTED: 05-09-2013**

### **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

### **2. ROLL CALL**

**Edward Roderick-President Joan B. Chabot Jay J.  
Lambert Denise M. deMedeiros-Vice President William P.  
Gerlach Brett N. Pelletier  
James J. Arruda**

### **3. APPROVAL OF CONSENT AGENDA**

**All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a**

member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

## **A. BUSINESS BROUGHT BEFORE THE COUNCIL**

### **CONSENT AGENDA:**

**(C.A.) 1. a. Approval of Minutes Regular Council Meeting April 22, 2013**

**Executive Session Not Held**

**b. Approval of Special Meeting/Joint Workshop Minutes of Council Meeting April 29, 2013**

**c. Approval of Executive Session Minutes From March 25, 2013**

**(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions**

**a. Cemetery Commission e. Police Pension Board of Trustees (2)**

**b. Conservation Commission f. Planning Board**

**c. Art Council g. Recreation Commission**

**d. Board of Canvassers**

**(C.A.) 3. Correspondence – Receive and File**

**a Charlestown Town Council–Resolution Opposing Contract Continuation Legislation**

**b. Middletown Town Council – Resolution Supporting Senate Bill 209 Changing the Composition of the RI Turnpike and Bridge Authority And Senate Bill No.242 Establishing a Bridge Maintenance Fund**

- c. Sally Black, Tiverton School Committee Chairperson – Letter Regarding School Committee Vote to Oppose House Bill H5340 Regarding Binding Arbitration**
- d. Bernie Hicks, Adoption Rhode Island- Letter Requesting Support for Fundraiser**
- e. Barbara Pelletier, Report of the March 19,2013 Newport & Bristol County Convention & Visitors Bureau Board of Directors Meeting**
- f. Town of North Smithfield – Resolution Relative to Bus Monitors**
- g. Town of Exeter – Resolution Opposing Legislation Relating to Agriculture and Forestry – Renewable Energy Facilities**

**(C.A.) 4. Treasurer Denise Saurette – April Budget and Revenue Reports**

**(C.A.) 5. Kate Michaud, Planning Administrative Officer – April 2013 Activities Report**

**a. Distribution of “Timing is Everything” From RI Statewide Planning Relative to Comp Plan**

**(C.A.) 6. Jane Bitto, Evelyn’s Restaurant – Request Scheduling of Public Hearing on June 24, 2013 for Sound Variance For Event “Singing Out Against Hunger “ To Take Place On September 13, September 14, and September 15**

**(C.A.) 7. Coastal Roasters – Request Scheduling of Public Hearing on June 24, 2013 for Sound Variance**

**For Event “Singing Out Against Hunger” To Take  
Place On September 14th and September 15th**

**(C.A.) 8. Leroy Kendricks, Wastewater Management – Request  
Scheduling and Advertising of Public Input**

**Hearing on May 28, 2013 on Wastewater Facilities Plan Update**

**(C.A.) 9. Kathleen Thiboutot/Healthy Haven, 80 Main Road –  
Request Amendment to Sign Ordinance to**

**Allow Additional Signage for Business – Referred to  
Planning Board**

**(C.A.) 10. Harbor and Coastal Waters Management Commission –  
Responses to CRMC Notices**

**A-11 - OPEN PUBLIC FORUM FOR ANNOUNCEMENTS,  
COMMENTS, QUESTIONS**

**B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS**

### **PUBLIC PRESENTATIONS**

**1. Linda Larsen, Tiverton First, Tiverton Education Foundation –  
Celebrate Tiverton – Presentation on Three Day Celebration Events  
July 26, 27 and 28**

**a. Vote on Entertainment/Special Event Permit for Music at the**

**Gazebo on Middle Avenue Friday, July 26th 5:30pm to 7:15pm**

**b. Request Approval to Hold Celebrate Tiverton Parade – Saturday, July 27th, 10am to 12 pm Main Road – State Road**

**c. Vote on Permit for 5K Race Sunday, July 28, 10am to 12pm– High School Track, Along Brayton Road, North Christopher, South Christopher and Ranger Elementary School – Police Chief Blakey Recommendation**

**d. Vote on Permission for Bonfire and Kayak Cruise – Subject to Recreation Committee Approval - On Next Recreation Commission Agenda**

**2. Garry Plunkett – Update on Various Wind Energy Interests in Tiverton**

- Status of EBEC**
- Ongoing Development Interests on the Part of Apex Wind**
- Status of Gathering Wind Energy Data at the Industrial Park**

**3. Denise Saurette, Town Treasurer – Brief Presentation on “AccuFund” – New General Ledger Software**

## **ADVERTISED PUBLIC HEARINGS**

### **C. TOWN COUNCIL SITTING AS BOARD OF LICENSING**

#### **NON ADVERTISED LICENSE**

**1. Raymond LePage, St. Theresa’s Parish, 265 Stafford Road –**

**Request (3) Class F – One Day Liquor Licenses for Annual Parish Festival Subject to Meeting All Legal Requirements**

- a. August 2, 2013 between 5:00 p.m. to 10:00 p.m.**
- b. August 3, 2013 between 12:00 p.m.to 11:00 p.m.**
- c. August 4, 2013 between 12:00 p.m. to 6:00 p.m.**

**2. Euro Gifts LLC d/ b/a Firework Connection– Requests Approval of Fireworks Permit at 34 Main**

**Road, From May 13, 2013 to November 30, 2013 – Subject To Meeting All Legal Requirements – Response From Fire Department**

**3. BJ Alan d/ b/a Phantom Fireworks– Requests Approval of Holiday License and Fireworks Permit at 526 Main Road, From June 22, 2013 to July 6, 2013 – Subject To Meeting All Legal Requirements – Response From Fire Department**

**D - APPOINTMENTS & RESIGNATIONS:**

**APPOINTMENTS AND REAPPOINTMENTS GROUP “A”  
ADVERTISED PER POLICY TERMS BEGIN APRIL 15TH**

**1. Conservation Commission - 3 Year Term Expiring April 15, 2016  
Patricia M. Hilton, 99 Peaceful Way**

**2. Comprehensive Plan Advisory Committee - Term Expiring January 5, 2015**

**Appointment of Two Council Members**

## **RESIGNATION**

**3. Recreation Commission - Richard E. Bush III, 51 Deer Run Road**

### **E - UNFINISHED BUSINESS:**

**1. Councilor Arruda - Request For Approval to Modify Rules and Regulations at Town Farm to Allow Pets on Walking Track as Long as They Are Leashed at All Times and Attended. Owners Are Required to Clean Up After Their Pets. A Dog Station Will be Installed for Their Convenience**

### **F – FINANCIAL BUSINESS:**

**1. Town Administrator – Requests Authorization to Transfer \$57,715.92 From Acct #102-799 (Future Needs) to Various Police and Fire Accounts (Contract Negotiations)**

**2. Toni Lyn McGowan, Tax Collector – Requests Council Approval to Abate and Remove \$16,149.78 in Motor Vehicle and Tangible Uncollectable**

### **G - NEW BUSINESS:**

**1. Town Administrator – Ratification of Tax Collector 3-Year Contract**

**– July 1, 2012 Through June 30, 2015 – Toni Lyn McGowan – Noticed per Charter**

**2. Town Administrator – Ratification of Fire Chief 3-Year Contract – January 4, 2013 Through January 3, 2016 – Chief Robert Lloyd – Noticed per Charter**

**3. Town Administrator – Ratification of DPW Director 3 – Year Contract – January 7, 2013 Through January 6, 2016 – Stephen Berlucchi – Noticed per Charter**

**4. Town Administrator – Ratification of Building Official 3 – Year Contract – March 20, 2013 Through March 19, 2016 – Gareth Eames – Noticed per Charter**

**5. Town Administrator – Ratification of Town Administrator 3 – Year Contract – August 15, 2012 Through August 14, 2015 – James Goncalo – Noticed per Charter**

## **H – BIDS AND REQUESTS FOR PROPOSALS**

**1. DPW Director Berlucchi – Request Authorization to Advertise for Bids to Purchase (2) Two, 40 Cubic Yard Roll-Off Containers for Landfill Recycling**



**2. DPW Director Berlucchi – Request Authorization to Advertise for Bids to Purchase a Chipper**

**3. Toni Lyn McGowan, Tax Collector – Request Waiver of Bid Process for the 2013 Tax Bills**

**4. Town Administrator – Requests Permission to Advertise Bids for Fuel Monitoring System for All Vehicles Utilizing Town Fuel**

## **I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS**

**1. Town Administrator – Requesting Council Direction on Potential Pump-out Boat Located in California – Recommendation by Harbor and Coastal Waters Management Commission**

**2. Scheduling of Site Walk – Tiverton Crossings**

## **J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. Councilor Gerlach – Update on Meetings With DEM Officials Regarding Stafford Pond**

**2. Councilor Arruda – Update on Pocasset School Drainage Issue**

## **K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS**

**1. Bay Street Contamination – Hoffman Engineering, Inc. Invoice (Paid From Settlement Funds)**

**2. Community Center – Amendment to Policy for Use of Facilities in Town Buildings**

## **L- TOWN CLERK ITEMS AND ANNOUNCEMENTS**

**1. Information on Polling Locations and Early Voting for Financial Town Referendum ( FTR)**

## **5. CLOSED EXECUTIVE SESSION**

**1. Town Administrator - Prospective Business or Industry 42-46-5(a)(6) – Industrial Park**

**2. Town Solicitor – Litigation – 42-46-5(a)(2) – Quarterly Litigation Report**

**A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended**

**6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority**

**vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”**